

HOUSE BILL No. 1708

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2.

Synopsis: County office of family and children. Changes references from the county department of public welfare to the county office of family and children to reflect the correct designation of that office.

Effective: July 1, 1999.

Summers

January 26, 1999, read first time and referred to Committee on Human Affairs.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1708

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-17.2-4-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) A license may be
3 issued only if a child care center is in compliance with food, health,
4 safety, and sanitation standards as determined by the division under
5 rules adopted by the division under IC 12-17.2-2-4 or in accordance
6 with a variance or waiver approved by the division under
7 IC 12-17.2-2-10.
8 (b) A license may be issued only if the child care center is in
9 substantial compliance with the fire and life safety rules as determined
10 by the state fire marshal under rules adopted by the division under
11 IC 12-17.2-2-4 or in accordance with a variance or waiver approved by
12 the division under IC 12-17.2-2-10.
13 (c) The division may issue a waiver or variance regarding a
14 determination by the division or the state fire marshal under
15 subsections (a) and (b).
16 (d) Except as provided in subsection (e), the division may issue a
17 license under this chapter only if the child care center is staffed, when



children are being cared for, by at least one (1) child care provider who is annually certified in a program on pediatric cardiopulmonary resuscitation and pediatric airway obstruction under the American Heart Association's Basic Life Support Course D or any other comparable course approved by the division.

(e) The requirement set forth in subsection (d) does not apply to a child care center that:

(1) serves only children who are at least thirteen (13) years of age and less ~~than~~ twenty-one (21) years of age; and

(2) has on duty, when the children are being cared for, at least one (1) child care provider who is annually certified in a program on ~~cardiopulmonary~~ **cardiopulmonary** resuscitation as required by the division.

(f) Upon request, the county ~~department of public welfare~~ **office** shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family and children concerning a licensed child care center.

SECTION 2. IC 12-17.2-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care center and report the division's findings to the attorney general and to the county ~~department of public welfare~~ **office** attorney and the prosecuting attorney in the county where the child care center is located.

(b) The attorney general or the county ~~department of public welfare~~ **office** attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:

(A) the child care center is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care center is operating without a license required under this article.

(c) The division may provide for the removal of children from child care centers described in subsection (b).

(d) An opportunity for an informal meeting with the division shall



1 be available after the injunctive relief is ordered.

2 (e) The civil penalties collected under this section shall be deposited
3 in the child care fund.

4 (f) Section 34 of this chapter does not apply to the civil penalties
5 imposed under this section.

6 SECTION 3. IC 12-17.2-5-29 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 29. (a) The division
8 shall investigate a report of an unlicensed child care home and report
9 the division's findings to the attorney general and to the county
10 ~~department of public welfare office~~ attorney and the prosecuting
11 attorney in the county where the child care home is located.

12 (b) The attorney general or the county ~~department of public welfare~~
13 ~~office~~ attorney may do the following:

14 (1) Seek the issuance of a search warrant to assist in the
15 investigation.

16 (2) File an action for injunctive relief to stop the operation of a
17 child care home if there is reasonable cause to believe that:

18 (A) the child care home is operating without a license required
19 under this article; or

20 (B) a licensee's noncompliance with this article and the rules
21 adopted under this article creates an imminent danger of
22 serious bodily injury to a child or an imminent danger to the
23 health of a child.

24 (3) Seek in a civil action a civil penalty not to exceed one hundred
25 dollars (\$100) a day for each day a child care home is operating
26 without a license required under this article.

27 (c) The division may provide for the removal of children from child
28 care homes described in subsection (b).

29 (d) An opportunity for an informal meeting with the division shall
30 be available after the injunctive relief is ordered.

31 (e) The civil penalties collected under this section shall be deposited
32 in the child care fund.

33 (f) Section 34 of this chapter does not apply to the civil penalties
34 imposed under this section.

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